

PATENT COOPERATION TREATY

PCT

REC'D 22 MAY 2006

WIPO PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference oxcarb 01	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/IN 2005/000077	International filing date (day/month/year) 10 March 2005 (10.03.2005)	Priority Date (day/month/year) 11 March 2004 (11.03.2004)
International Patent Classification (IPC) or national classification and IPC IPC⁸: C07D 223/28 (2006.01); C07D 223/22 (2006.01)		
Applicant SUN PHARMACEUTICAL INDUSTRIES LIMITED		
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examination Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of _____ sheets.</p> <p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> I. <input checked="" type="checkbox"/> Basis of the opinion II. <input type="checkbox"/> Priority III. <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV. <input type="checkbox"/> Lack of unity of invention V. <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI. <input type="checkbox"/> Certain documents cited VII. <input checked="" type="checkbox"/> Certain defects in the international application VIII. <input type="checkbox"/> Certain observations on the international application 		
Date of submission of the demand 4 October 2005 (04.10.2005)	Date of completion of this report 4 May 2006 (04.05.2006)	
Name and mailing address of the IPEA/AT Austrian Patent Office Dresdner Straße 87 A-1200 Vienna Facsimile No. 1/53424/200	Authorized officer MÜLLER-HIEL R. Telephone No. 1/53424/434	

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/IN 2005/000077

I. Basis of the report

1. With regard to the elements of the international application:*

☒ the international application as originally filed

☐ the description:

pages _____, as originally filed

pages _____, filed with the demand

pages _____, filed with the letter of _____.

☐ the claims:

pages _____, as originally filed

pages _____, as amended (together with any statement) under Article 19

pages _____, filed with the demand

pages _____, filed with the letter of _____.

☐ the drawings:

pages _____, as originally filed

pages _____, filed with the demand

pages _____, filed with the letter of _____.

☐ the sequence listing part of the description:

pages _____, as originally filed

pages _____, filed with the demand

pages _____, filed with the letter of _____.

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).

☐ the language of publication of the international application (under Rule 48.3(b)).

☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

☐ contained in the international application in printed form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages _____.

☐ the claims, Nos. _____.

☐ the drawings, sheets/fig _____.

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as „originally filed“ and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/IN 2005/000077

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Claims 1-13

YES

Claims ----

NO

Inventive step (IS)

Claims 1-13

YES

Claims ----

NO

Industrial applicability (IA)

Claims 1-13

YES

Claims ----

NO

Citations and explanations (Rule 70.7)

The following documents have been cited in the Search Report:

D1: US3642775A

D2: US5808058A

D3: GB943277A

D4: AT7206873A

D5: US4775691A

None of the cited documents describes or suggests a process for the preparation of compound of formula I starting from IVb, or the conversion of compounds Ivb to compounds II or IVI, as defined in the claims or the the present application. Therefore, claims 1-13 are acknowledged as novel and involving an inventive step.

Industrial applicability is given.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/IN 2005/000077

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

Claim No. 13 contains a reference to the description. According to Rule 6.2.(a) PCT claims should not contain such references except where is absolutely necessary. Such is not, however, the case here. The claim should thus either be reformulated or deleted.